

EDGERTON CITY COUNCIL
***AMENDED* MEETING AGENDA**
CITY HALL, 404 EAST NELSON STREET
May 9, 2019
7:00 P.M.

Call to Order

1. **Roll Call** ____ Roberts ____ Longanecker ____ Brown ____ Conus ____ Lewis ____ Smith
2. **Welcome**
3. **Pledge of Allegiance**

Consent Agenda *(Consent Agenda items will be acted upon by one motion unless a Council member requests an item be removed for discussion and separate action)*

4. Approve Minutes for April 25, 2019 Regular City Council Meeting
5. Approve Resolution No. 05-09-19A Approving The Mayoral Appointments For the City Treasurer, City Prosecutor, Municipal Judge, And City Attorney For The City of Edgerton, Kansas
6. Approve Resolution No. 05-09-19B Authorizing the Closure of Certain Public Streets During the Edgerton Summer Kickoff Block Party
7. Approve Resolution No. 05-09-19C Recognizing the Edgerton Summer Kickoff Block Party as a "Public Festival" for Purposes of the City's Noise Restrictions
8. Approve Resolution No. 05-09-19D Authorizing the Closure of Certain Public Streets During the Edgerton Frontier Days Festival, Permission to Use Requested City Buildings/Public Spaces, and the approval of Additional Service Request

Regular Agenda

9. **Public Comments.** Persons who wish to address the City Council regarding items not on the agenda and that are under the jurisdiction of the City Council may do so when called upon by the Mayor. Comments on personnel matters and matters pending before court or other outside tribunals are not permitted. Please notify the City Clerk before the meeting if you wish to speak. Speakers are limited to three (3) minutes. Any presentation is for informational purposes only. No action will be taken.
10. **Declaration.** At this time Council members may declare any conflict or communication they have had that might influence their ability to impartially consider today's issues.

Business Requiring Action

11. **CONSIDER ORDINANCE NO. 2010 AUTHORIZING THE CITY OF EDGERTON, KANSAS, TO ENTER INTO AN ECONOMIC DEVELOPMENT GRANT AGREEMENT WITH HOSTESS BRANDS, LLC**

Motion: _____ Second: _____ Vote: _____

12. **PUBLIC HEARING REGARDING A REQUEST BY THE FRONTIER DAYS ASSOCIATION FOR A WAIVER (AS ALLOWED PUSUANT TO SECTION 3-202 OF ARTICLE 1 OF CHAPTER III OF THE CITY CODE) FROM THE PROHIBITION**

AGAINST SERVING ALCOHOLIC LIQUOR WITHIN 200 FEET OF THE LIBRARY FOR THE JUNE 14 AND 15, 2019 ANNUAL FRONTIER DAYS FESTIVAL

13. **CONSIDER RESOLUTION NO. 05-09-19E TEMPORARILY WAIVING CITY PROHIBITION AS TO THE SALE AND CONSUMPTION OF ALCOHOLIC LIQUOR ON CERTAIN PUBLIC PROPERTY, AND RECOGNIZING FRONTIER DAYS AS A "PUBLIC FESTIVAL" FOR PURPOSES OF THE CITY'S NOISE RESTRICTIONS**

Motion: _____ Second: _____ Vote: _____

14. **CONSIDER RESOLUTION NO. 05-09-19F AUTHORIZING A SPECIAL EVENT PERMIT FOR SALE AND CONSUMPTION OF ALCOHOLIC LIQUOR ON CERTAIN PUBLIC PROPERTY WITHIN THE CITY OF EDGERTON, KANSAS**

Motion: _____ Second: _____ Vote: _____

15. **Report By The City Administrator**

16. **Report By the Mayor**

17. **Future Meeting/Event Reminders:**

- May 11th: City Wide Garage Sale
- May 14th: Planning Commission – 7PM
- May 15th: Senior Lunch & Bingo - Noon
- May 18th: City Wide Clean Up
- May 23rd: City Council – 7PM
- June 1st: Summer Kick Off Block Party – 6:30PM

18. **CONSIDER RECESSING INTO EXECUTIVE SESSION PURSUANT TO K.S.A. 75-4319(B)(2) FOR CONSULTATION WITH AN ATTORNEY DEEMED PRIVILEGED IN THE ATTORNEY-CLIENT RELATIONSHIP TO INCLUDE CITY ATTORNEY AND CITY ADMINISTRATOR**

19. **Adjourn** Motion: _____ Second: _____ Vote: _____

City of Edgerton, Kansas
Minutes of City Council Regular Session
April 25, 2019

A Regular Session of the City Council was held in the Edgerton City Hall, 404 E. Nelson Edgerton, Kansas on April 25, 2019. The meeting convened at 7:00 p.m. with Mayor Roberts presiding.

1. ROLL CALL

| | |
|------------------|---------|
| Ron Conus | present |
| Clay Longanecker | present |
| Josh Lewis | absent |
| Katee Smith | present |
| Jody Brown | absent |

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator Beth Linn
- Assistant City Administrator Scott Peterson
- City Attorney Lee Hendricks
- City Clerk Rachel James
- Development Services Director Katy Crow
- Finance Director Karen Kindle
- Public Works Director Dan Merkh
- Public Works Superintendent Trey Whitaker

2. WELCOME

3. PLEDGE OF ALLEGIANCE

CONSENT AGENDA

4. Approve Minutes for April 11, 2019 Regular City Council Meeting
5. Approved Application FP2019-02, Final Plat Inland Port 51 – Logistics Park Kansas City South, Second Plat, Generally Located at the Northeast Corner of 207th Street and Waverly Road
6. Approve Application FP2019-01, Final Plat TSL Edgerton Phase I & II, Generally Located Along the South Side of 191st Street and the West Side of Waverly Road
7. Approve Ordinance No. 2008 An Ordinance Amending Chapter XV, Article 1 Of The Municipal Code Of The City Of Edgerton, Kansas To Include Section 15-134 Regarding Hydrant Water Meters and Repealing All Other Ordinances Or Parts Of Ordinances In Conflict Therewith

Mayor Roberts asked that Agenda Item #5 be removed for discussion.

Motion by Smith, Second by Longanecker to Remove Agenda Item #5 and approve items #4,6, and 7 of the consent agenda. Motion passed 3-0.

Agenda Item #5: Katy Crow, Development Services Director, stated that Staff had noticed a change in the Final Plat after Planning Commission recommendation but before Governing Body approval. That version of the Final Plat was submitted for signatures and Governing Body approval. The setback changed on the rear side of the parcel.

Councilmember Longanecker asked if there was still enough room setback wise. Ms. Crow stated that there was.

Brett Powell, Northpoint Representative, was available for questions from the Council. Mayor Roberts stated that moving forward, it is important that everything on the plats submitted matched.

Motion by Longanecker, Second by Smith to approve Application FP2019-02, Final Plat Inland Port 51 – Logistics Park Kansas City South, Second Plat, Generally Located at the Northeast Corner of 207th Street and Waverly Road. Motion passed 3-0.

REGULAR AGENDA

8. **Public Comments.** None.
9. **Declaration.** None.
10. Proclamation by the Mayor Declaring April 2019 as National Fair Housing Month in the City of Edgerton, Kansas

Mayor Roberts read the Proclamation for Fair Housing Month in the City of Edgerton, Kansas. Mayor Roberts spoke generally on the importance of Fair Housing and that it is an vital proclamation for Edgerton to make.

BUSINESS REQUIRING ACTION

11. **CONSIDER THE 2018 AUDIT OF FINANCIAL STATEMENTS AS PRESENTED BY VARNEY & ASSOCIATES**

April Swartz, Auditor from Varney & Associates, stated there were no issues or findings to report. Ms. Swartz also stated that the City of Edgerton received a clean opinion, which is the highest rating the City can receive.

Ms. Swartz summarized the various reports highlighting that there were no budget violations and no cash violations.

Motion by Longanecker, Second by Conus to accept Auditor report as presented. Motion passed 3-0.

12. **PUBLIC HEARING FOR RESOLUTION NO. 04-25-19A DETERMINING THE INTENT OF THE CITY TO ISSUE ITS INDUSTRIAL REVENUE BONDS IN ONE OR MORE SERIES, THE AGGREGATE PRINCIPAL AMOUNT OF ALL SERIES NOT TO EXCEED**

\$1,000,000,000, TO PAY THE COST OF ACQUIRING, CONSTRUCTING AND EQUIPPING COMMERCIAL FACILITIES WITHIN THE LOGISTICS PARK-KC, PHASE TWO

Scott Anderson, Bond Attorney, introduced the overview of the Master Resolution of Intent for Phase Two of Logistics Park-KC. Each phase requires the notification of the County and the School District, both of these have been completed. The public hearing notice was also published in the Gardner News.

Attached in the packet was a Cost-Benefit Analysis completed by Columbia Capital for Phase Two of the Logistics Park. They estimate that approximately \$43,000,000 would be added into the Public Infrastructure Fund from Phase Two. Mr. Anderson stated that this is based on Phase One actuals and is a good estimate.

Mr. Anderson stated that the Master Resolution of Intent is not required by State statute but is the current practice of the City.

Mayor Roberts opened the Public Hearing at 7:17 pm.

There were no public comments.

Mayor Roberts closed the Public Hearing at 7:18 pm.

13. CONSIDER RESOLUTION NO. 04-25-19A DETERMINING THE INTENT OF THE CITY TO ISSUE ITS INDUSTRIAL REVENUE BONDS IN ONE OR MORE SERIES, THE AGGREGATE PRINCIPAL AMOUNT OF ALL SERIES NOT TO EXCEED \$1,000,000,000, TO PAY THE COST OF ACQUIRING, CONSTRUCTING AND EQUIPPING COMMERCIAL FACILITIES WITHIN THE LOGISTICS PARK-KC, PHASE TWO

Scott Anderson, Bond Attorney, stated this is the Resolution in which is City stating we intend to issue Bonds, up to \$1,000,000,000, for these projects.

There were no questions or comments.

Motion by Longanecker, Second by Smith to approve Resolution No. 04-25-19A.

Motion passed, 3-0.

14. PUBLIC HEARING FOR RESOLUTION NO. 04-25-19B CONSENTING TO THE PARTIAL ASSIGNMENT OF A RESOLUTION OF INTENT FOR THE LOGISTICS PARK-KC, PHASE TWO, FROM EDGERTON LAND HOLDING COMPANY, LLC TO ELHC LI, LLC, OR ITS SUCCESSORS IN INTEREST

Scott Anderson, Bond Attorney, presented on 04-25-19B, which is the Partial Assignment of a Resolution of Intent for ELHC 51. This will be the first project under the second Master Resolution of Intent. The County and School District were notified of this Public Hearing and the notification was published in the Gardner News.

The net value to the Public Infrastructure Fund would be \$2,500,000.

Mayor Roberts opened the Public Hearing at 7: 21 pm.

There were no questions or comments.

Mayor Roberts closed the Public Hearing at 7:22 pm.

15. CONSIDER RESOLUTION NO. 04-25-19B CONSENTING TO THE PARTIAL ASSIGNMENT OF A RESOLUTION OF INTENT FOR THE LOGISTICS PARK-KC, PHASE TWO, FROM EDGERTON LAND HOLDING COMPANY, LLC TO ELHC LI, LLC OR ITS SUCCESSORS IN INTEREST

Scott Anderson, Bond Attorney, stated that this is the first project for Logistics Park-KC Phase Two. This takes \$60,000,000 of the amount approved in 04-25-19A and allocates it to the ELHC 51, LLC project.

This project tentatively is a 765,000 sq. ft. distribution warehouse. This is the first step in the IRB process.

Mayor Roberts stated that in the Cost-Benefit Analysis it anticipates \$2.475 million to Edgerton Public Infrastructure Funds. Additionally, over the next 10 years the county would receive \$430,000 and the School District, approximately \$92,000.

Motion by Longanecker, Second by Smith to approve Resolution No. 04-25-19B.

Motion passed 3-0.

16. CONSIDER ORDINANCE NO. 2009 WHICH ADOPTS THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE A CONDITIONAL USE PERMIT TO ALLOW A CARGO CONTAINER STORAGE YARD AND TRUCK PARKING/ MAINTENANCE FACILITY ON PARCELS CONTAINING AN L-P ZONING DESIGNATION – AT 19140 WAVERLY ROAD (SOUTH SIDE OF 191ST STREET, WEST OF WAVERLY ROAD)

Katy Crow, Development Services Director, introduced the request by TSL to combine Phase 1 and Phase 2 operations under one Conditional Use Permit. This would include the addition of a fueling station, maintenance facility, and various other upgrades to the property. TSL has been the owner of this property from the beginning and has invested greatly into the site; the expansion has been planned from the initial phase of building.

Councilmember Longanecker asked what length of time Conditional Use Permits cover. Ms. Crow stated that Planning Commission recommends a 10-year approval or until 2029.

Motion by Longanecker, Second by Smith to approve Ordinance No. 2009.

Motion passed 3-0.

17. Report by the City Administrator

- Presentation of First Quarter Financial Reports

Karen Kindle, Finance Director, presented on the 2019 First Quarter Financial Reports. Ms. Kindle gave a brief overview of the revenues and expenditures from the General Fund.

Councilmember Conus asked about the licenses and permits line items. Beth Linn stated that these revenues are seasonal and depend on the projects started.

The Water Fund expenditure for production a little higher than 25% due to paying up front for the HAWC annual minimum payment.

The Sewer Fund is within the expected expenditures. The Sewer line maintenance line item is a bit higher than 25% due to the purchase of smoke testing equipment.

18. Report by the Mayor

Mayor Roberts briefly reviewed the 2019 First Quarter Code Enforcement Report. He stated that inoperable vehicles are trending downward due to more enforcement.

Councilmember Longanecker asked about the increase in parking violations. Mayor Roberts stated that there were more snow events this year. Mayor also stated it was worth Council taking note of the activity. Mayor Roberts stated that Mr. Charlie Lydon does a tremendous job at doing the worst job in any city. He is so even-keeled and is really tremendous at his role.

Mayor Roberts also stated that he thought the Chamber Dinner was great for the City of Gardner and stated he would leave it at that.

19. Future Meeting/Event Reminders:

- May 11th: City Wide Garage Sale
- May 14th: Planning Commission – 7PM
- May 15th: Senior Lunch & Bingo – Noon
- May 18th: City Wide Clean Up
- May 23rd: City Council – 7PM
- June 1st: Summer Kick Off Block Party – 6:30PM

20. Adjourn

Motion by Smith, Second by Conus to adjourn.

Motion was approved 3-0. The meeting adjourned at 7:58 pm.

City Council Action Item

Council Meeting Date: May 9, 2019

Department: Administration

Agenda Item: Consider Resolution No. 05-09-19A Approving The Mayoral Appointments For The City Treasurer, City Prosecutor, Municipal Judge, And City Attorney For The City Of Edgerton, Kansas

Background/Description of Item:

Chapter 1, Article 3, Section 301 of the Edgerton City Code states that at the first regular meeting in May of each year the mayor, by and with the consent of the council, shall appoint a city treasurer, and may appoint a city attorney, municipal judge and such other officers as may be deemed necessary for the best interest of the city.

Draft Resolution 05-09-19A includes appointment for City Treasurer, City Prosecutor, Municipal Judge, and City Attorney as listed below.

City Treasurer: Irene Eastwood

City Prosecutor: Gerald Merrill

Municipal Judge: Karen Torline

City Attorney: Lee Hendricks

Related Ordinance(s) or Statue(s): Edgerton City Code Chapter 1, Article 3, Section 301

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

Recommendation: Approve Resolution No. 05-09-19A Approving The Mayoral Appointments For The City Treasurer, City Prosecutor, Municipal Judge, And City Attorney For The City Of Edgerton, Kansas

Enclosed: Draft Resolution No. 05-09-19X

Prepared by: Rachel James, City Clerk

RESOLUTION NO. 05-09-19A

A RESOLUTION APPROVING THE MAYORAL APPOINTMENTS FOR THE CITY TREASURER, CITY PROSECUTOR, MUNICIPAL JUDGE, AND CITY ATTORNEY FOR THE CITY OF EDGERTON, KANSAS

WHEREAS, City Code requires the Mayor to appoint certain public officials;

WHEREAS, the appointments named below meet all qualifications set forth by City Code;

WHEREAS, the Mayor hereby appoints, subject to the approval of the City Council, the individuals named below to fill the public appointments for the City of Edgerton, Kansas;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EDGERTON, KANSAS:

SECTION ONE: The City Council hereby approves the following Mayoral appointments to serve the City of Edgerton:

Irene Eastwood to serve as City Treasurer;
Gerald Merrill to serve as City Prosecutor;
Karen Torline to serve as Municipal Judge; and
Lee Hendricks to serve as City Attorney

SECTION TWO: EFFECTIVE DATE

This Resolution shall take effect and be in full force immediately after its adoption by the Governing Body.

ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF EDGERTON, KANSAS ON THE 9th DAY OF MAY, 2019.

CITY OF EDGERTON, KANSAS

By: _____
Donald Roberts, Mayor

ATTEST:

Rachel A. James, City Clerk

APPROVED AS TO FORM:

Lee W. Hendricks, City Attorney

City Council Action Item

Council Meeting Date: May 9, 2019

Department: Parks and Recreation

Agenda Item: Consider Resolution No. 05-09-19B Authorizing the Closure of Certain Public Streets During the Edgerton Summer Kickoff Block Party

Background/Description of Item: On Saturday, June 1st, the City of Edgerton will host the Summer Kickoff Block Party in Downtown Edgerton. The event includes a block party with inflatables, games, DJ, face painting, contests and more from 6:30 PM to 9:00 PM. Once the sun goes down, the City will host the first Downtown Summer Movie Night featuring Incredibles 2.

To support this event, the Parks and Recreation Coordinator has requested the closure of Nelson Street (between East 4th Street and East 3rd Street) from 5:00 PM – 11:00 PM. The intersections at both E 4th Street/Nelson Street and E 3rd Street/Nelson Street will remain open to traffic.

City staff has reviewed the proposed street closures and does not anticipate any conflicts or issues. City staff will inform the Johnson County Sheriff's Office, Johnson County Fire District No. 1 and Johnson County Med-Act of the proposed closings.

Related Ordinance(s) or Statue(s):

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

Recommendation: Approve Resolution No. 05-09-19B Authorizing the Closure of Certain Public Streets During the Edgerton Summer Kickoff Block Party

Enclosed: Draft Resolution No. 05-09-19B

Prepared by: Madeline Becker, Parks and Recreation Coordinator

RESOLUTION NO. 05-09-19B

A RESOLUTION APPROVING THE CLOSURE OF THE PUBLIC STREETS NAMED HEREIN DURING THE EDGERTON SUMMER KICKOFF BLOCK PARTY

WHEREAS, the City Council of the City of Edgerton, Kansas wishes to provide a safe and enjoyable Summer Kickoff Block Party; and

WHEREAS, the City has determined that the closure of certain streets would be beneficial to the safety and enjoyment of the Summer Kickoff Block Party; and

WHEREAS, City staff has reviewed the proposed street closures and does not anticipate any conflicts or issues that would prevent said closures; and

WHEREAS, the following public streets shall be closed to vehicular traffic during Edgerton Summer Kickoff Block Party between 5:00 PM until 11:00 PM on June 1, 2019:

- Nelson Street between East 4th Street to East 3rd Street

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EDGERTON, KANSAS that the City hereby authorizes the closure of the public streets named above for the duration named above for the Edgerton Summer Kickoff Block Party.

SECTION ONE: EFFECTIVE DATE

This Resolution shall take effect and be in full force immediately after its adoption by the Governing Body.

ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF EDGERTON, KANSAS ON THE 9TH DAY OF MAY, 2019.

ATTEST:

CITY OF EDGERTON, KANSAS

Rachel A. James, City Clerk

By: _____
Donald Roberts, Mayor

APPROVED AS TO FORM:

Lee W. Hendricks, City Attorney

City Council Action Item

Council Meeting Date: May 9, 2019

Department: Parks and Recreation

Agenda Item: Consider Resolution 05-09-19C Recognizing the Edgerton Summer Kickoff Block Party as a "Public Festival" for Purposes of the City's Noise Restrictions

Background/Description of Item: On Saturday, June 1st, the City of Edgerton will host the Summer Kickoff Block Party in Downtown Edgerton. The event includes a block party with inflatables, games, DJ, face painting, contests and more from 6:30 PM to 9:00 PM. Once the sun goes down, the City will host the first Downtown Summer Movie Night featuring Incredibles 2.

Within this resolution is permission to waive the City's noise restrictions on the evening of Saturday, June 1 for the first Downtown Summer Movie Night anticipated to be completed by 11 p.m. that evening.

Related Ordinance(s) or Statue(s): Article 6 of Chapter XI of the Code of the City of Edgerton

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

Recommendation: Approve Resolution 05-09-19C Recognizing the Edgerton Summer Kickoff Block Party as a "Public Festival" for Purposes of the City's Noise Restrictions

Enclosed: Draft Resolution 05-09-19C

Prepared by: Madeline Becker, Parks and Recreation Coordinator

RESOLUTION NO. 05-09-19C

A RESOLUTION RECOGNIZING SUMMER KICKOFF BLOCK PARTY AS A "PUBLIC FESTIVAL" FOR THE PURPOSES OF THE CITY'S NOISE RESTRICTIONS

WHEREAS, the City Council of the City of Edgerton, Kansas wishes to provide a safe and enjoyable Summer Kickoff Block Party; and

WHEREAS, Article 6 of Chapter XI of the Code of the City of Edgerton regulates the levels of noise and sound within the City but said regulations do not apply when the governing body recognizes the event where the noise and sound is to occur as a "public festival".

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS, THAT:

SECTION ONE: Summer Kickoff Block Party a "Public Festival": Edgerton Summer Kickoff Block Party is hereby recognized as a public festival and, therefore, the noise restrictions contained within Article 6 of Chapter XI of the Code of the City of Edgerton shall not apply to noise and sounds made or generated by the public festival to be held on June 1, 2019.

SECTION TWO: Effective Date: This Resolution shall take effect and be in full force immediately after its adoption by the Governing Body.

ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF EDGERTON, KANSAS ON THE 9TH DAY OF MAY 2019.

ATTEST:

CITY OF EDGERTON, KANSAS

Rachel A. James, City Clerk

By: _____
Donald Roberts, Mayor

APPROVED AS TO FORM:

Lee W. Hendricks, City Attorney

City Council Action Item

Council Meeting Date: May 9, 2019

Department: Parks and Recreation

Agenda Item: Consider Resolution No. 05-09-19D Authorizing the Closure of Certain Public Streets During the Edgerton Frontier Days Festival, Permission to Use Requested City Buildings/Public Spaces, and the approval of Additional Service Requests.

Background/Description of Item:

The Edgerton community celebrates its heritage with their annual Frontier Days. Since 1971 this celebration has brought the community together through carnival, craft, sports, music and parade. This year's event will take place Friday June 14th - Saturday, June 15th. Full schedule of details may be found at the event website at <https://frontier-days.com/>. The event is supported by the Edgerton Frontier Days Association.

Similar to recent years, the Edgerton Frontier Days Association has submitted their special event permit application including several requests to support the event that include closure of various public streets, use of certain city facilities/public spaces, etc. Below is a summary of those requests. Staff has added additional road closures to facilitate spaces for handicapped parking and additional staging of public safety vehicles or tour buses for musicians. Staff additions are noted below in red. Enclosed is a map illustrating the road closures. Also shown on the map are recommended locations to temporarily sign as no parking. Staff will work with the City Attorney to determine the appropriate steps for City Council to consider the not parking request at the May 23, 2019 City Council meeting.

Street Closure

The Edgerton Frontier Days Committee has requested the closure of the following street beginning at 9:00 AM on Tuesday, June 11th until 12:00 PM on Sunday, June 16th:

- East 4th Street between Nelson and McCarty Streets;

The Edgerton Frontier Days Committee has requested the closure of the following streets beginning at 8:00 AM on Friday, June 14th until 12:00 PM on Sunday, June 16th:

- East 4th Street between Nelson and south to the nearest alley;
- **Hulett Street between East 4th and East 5th Streets and;**
- **Nelson Street between East 2nd and East 3rd Streets and;**
- Nelson Street between East 3rd and East 4th Streets and;
- Nelson Street between East 4th Street to the **East 5th Street**

The Edgerton Frontier Days Committee has requested the closure of the following street on Saturday, June 15th for the community parade:

- Nelson Street between West 8th Street to East 5th Street.

Use of City Facilities/Public Spaces

The Edgerton Frontier Days Committee has requested permission to use the following City Facilities/Public Spaces during the time of the festival:

- Downtown Greenspace;
- All designated streets and sidewalks that are requested above for street closures;
- Office and garage located at 305 E. Nelson;
- City Hall;
- Downtown Maintenance shop beginning on Monday, June 12th at 8:00 AM.

Additional Service Requests

The Edgerton Frontier Days Committee has requested the following additional Service Requests to support the festival:

- City to hang street banners by Wednesday, June 12th;
- City to order event dumpsters and trash bins for the festival days;
- City to issue camping permits to carnival workers at Edgerton Lake for the week prior to the festival and during the festival.

City staff has reviewed the proposed street closures, the facility/public space use requests, and other service requests and does not anticipate any conflicts or issues.

City staff recommends approving all requests pending proof of the following:

- Certificate of Insurance for Edgerton Frontier Days with the City of Edgerton additionally insured.
- Certificate of Insurance for each Vendor with the City of Edgerton additionally insured.

If approved, City staff will inform the Johnson County Sheriff's Office and Johnson County Fire District 1 of the proposed closings.

Related Ordinance(s) or Statue(s):

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval:

Recommendation: Approve Resolution No. 05-09-19D Authorizing the Closure of Certain Public Streets During the Edgerton Frontier Days Festival, Permission to use requested City Buildings/Public Spaces, and the approval of additional Service Requests.

Enclosed:

- Draft Resolution No. 05-09-19D
- Map of Street Closures and Proposed No Parking
- Frontier Days Special Event Application

Prepared by: Scott Peterson, Assistant City Administrator

RESOLUTION NO. 05-09-19D

A RESOLUTION AUTHORIZING THE CLOSURE OF CERTAIN PUBLIC STREETS DURING THE EDGERTON FRONTIER DAYS FESTIVAL, PERMISSION TO USE REQUESTED CITY BUILDING/PUBLIC SPACES, AND THE APPROVAL OF ADDITIONAL SERVICE REQUESTS

WHEREAS, the City Council of the City of Edgerton, Kansas wishes to provide a safe and enjoyable Frontier Days Festival; and

WHEREAS, the City has determined that the closure of certain streets and the use of certain City facilities and public spaces would be beneficial to the safety and enjoyment of the Frontier Days Festival; and

WHEREAS, City staff has reviewed the proposed street closures and does not anticipate any conflicts or issues that would prevent said closures; and

WHEREAS, the following public streets shall be closed to vehicular traffic during Edgerton Frontier Days between 9:00 AM on June 11, 2018 until 12:00 PM on June 16, 2018:

- East 4th Street between Nelson and McCarty Streets;

WHEREAS, the following public streets shall be closed to vehicular traffic during Edgerton Frontier Days between 8:00 AM on June 14, 2018 until 12:00 PM on June 16, 2018:

- East 4th Street between Nelson and south to the nearest alley;
- Hulett Street between East 4th and East 5th Streets and;
- Nelson Street between East 2nd and East 3rd Streets and;
- Nelson Street between East 3rd and East 4th Streets and;
- Nelson Street between East 4th Street to the East 5th Street

WHEREAS, the following public streets shall be closed to vehicular traffic during Edgerton Frontier Days on June 15, 2018 during the Frontier Days Parade:

- Nelson Street between West 8th Street to East 5th Street.

WHEREAS, the following City owned facilities and public spaces will be reserved for the use of Edgerton Frontier Days:

- Downtown Greenspace;
- All designated streets and sidewalks that are requested above for street closures;
- Office and garage located at 305 E. Nelson;
- City Hall;
- Downtown Maintenance shop beginning on Monday, June 12th at 8:00 AM.

WHEREAS, the following service requests will be carried out by the City:

- City to hang street banners by Wednesday, June 12th;
- City to order event dumpsters and trash bins for the festival days;
- City to issue camping permits to carnival workers at Edgerton Lake for the week prior to the festival and during the festival.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EDGERTON, KANSAS that the City hereby authorizes the closure of the public streets named above, the reservation of City facilities named above, the reservation of City public spaces named above and further authorizes that the above named service requests are carried out for the durations specified above for the 2019 Edgerton Frontier Days Festival.

SECTION ONE: EFFECTIVE DATE This Resolution shall take effect and be in full force immediately after its adoption by the Governing Body.

ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF EDGERTON, KANSAS ON THE 9TH DAY OF MAY, 2019.

ATTEST:

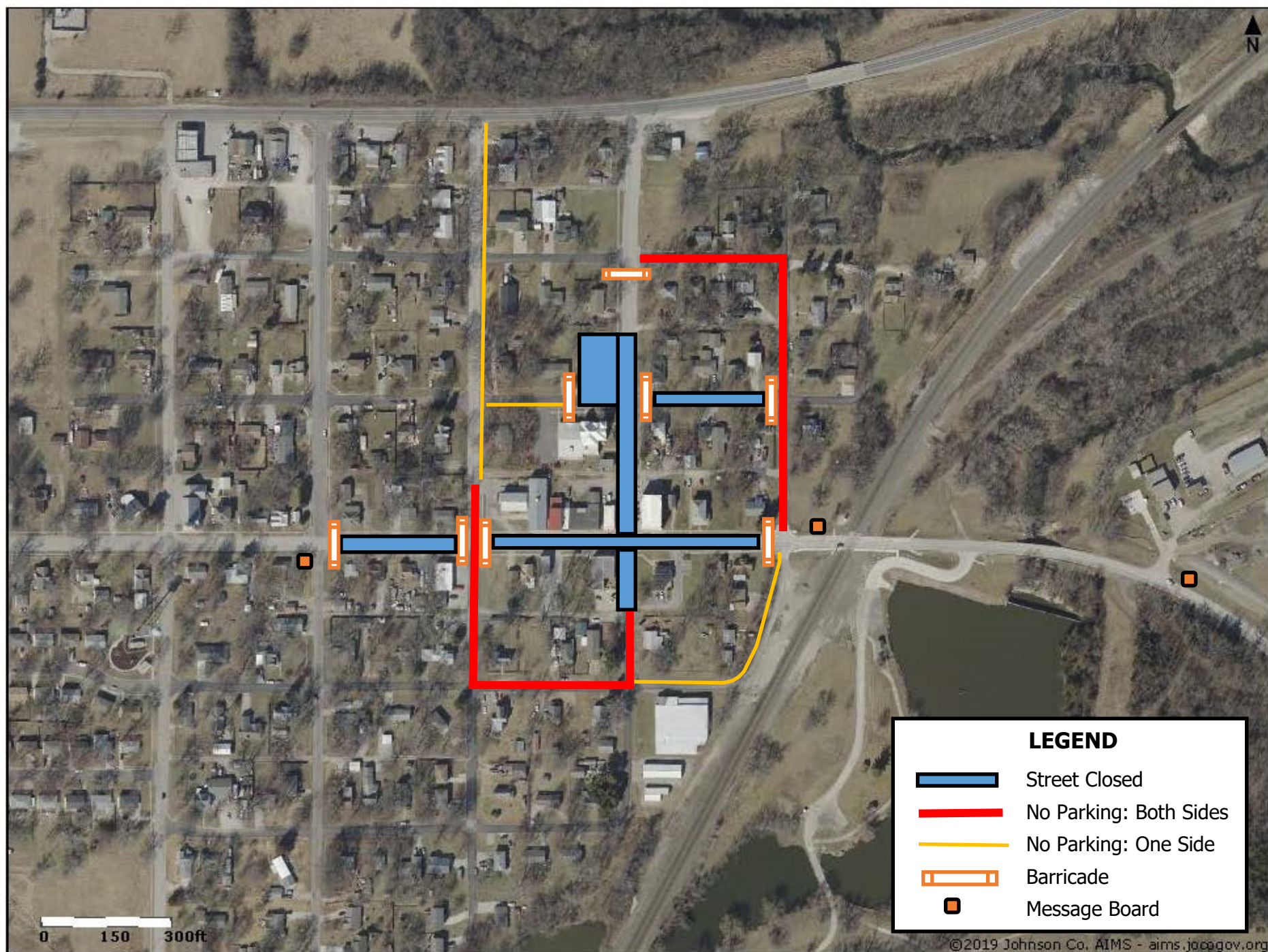
CITY OF EDGERTON, KANSAS

Rachel A. James, City Clerk

By: _____
Donald Roberts, Mayor

APPROVED AS TO FORM:

Lee W. Hendricks, City Attorney



City of Edgerton, Kansas
Special Event Permit Application

Cover Page

Attachments Included with Application:

- X List of services requested by the City and/or County
- X Description of publicly owned property for event
- N/A Description of publicly owned vehicles/equipment for event
- Pending Classification of dangerous and/or exotic animals - *A-Z Exotic Animals*
- Pending Operator's Certificate of Insurance
- Pending Sponsoring Agency's Certificate of Insurance *Becker & Lassen*
- _____ Completed Indemnification Statement
- _____ Site/Route/Staging/Dispersal/Parking Plans (Including, but not limited to, bulleted items below)
- Assembly areas
 - Fire hydrant locations
 - Normal routes of fire department vehicle access (20 Foot-wide minimum)
 - Main Entrances/Exits
 - Food Vendor Fire Extinguishers, with minimum rating of 2A10BC
 - Ensure Extension Cord(s) used to power food production or other portable equipment is minimum 12-gauge.
 - Vendor Sites (includes food, merchant, non-commercial vendor)
 - Barricade/signs
 - Street/Sidewalk closures
- _____ Fee
- _____ Emergency Plan (for reporting fire or other emergency)

Type of Event: Festival Parade Sporting Competition Circus

Trade Show Car Show Other: _____

Event Details: X Alcohol/Cereal Malt Beverage Served

X Alcohol /Cereal Malt Beverage Sales

up to
TBD 6 Number of Food Vendors

Number of Merchant Vendors

Number of Non-Commercial Vendors

X Animals

X Street/Sidewalk Closure

Equipment at Event:

X Amplified Speaking/Music

Hours: 4/14 4pm to 12 midnight / 4/15 9am-12 midnight

X Portable Restrooms

X Stage/Props/Production

X Dumpsters/Receptacles

X Signage

X Barricades (Number of volunteers staffing)

Other item/s: Permission to Use Yellow House & Garage @ 305 E. Nelson
Green Space & Old City Maint. Building

State Sales Tax Information: State of Kansas Tax Identification Number(s) must be provided for ALL food and merchant vendors. (Event sponsors are required to provide the Kansas Department of Revenue with notification of an event and a list of participating vendors.)

Food Vendor Tax Information: _____

Merchant Vendor Tax Information: _____

COMMUNITY NOTIFICATION: Provide copy of written notification or log of personal contacts to identify surrounding residents/businesses of street closure, if applicable.

COMPLETION OF EVENT: Plan for cleaning and disposing of refuse from this event location. Who will complete the cleaning of the area and how long after close of event will this occur.

48th Annual EDGERTON FRONTIER DAYS

June 14 & 15



EDGERTON, KS • Est. 1883

Parade Grand Marshals:

Enter Name Here

A special THANK YOU to our sponsors
for making Frontier Days possible



- Enright Gardens
- Dee's Mini Mart
- DEMDACO
- Voigts Farms
- City of Edgerton
- Columbia Capital Management
- Bruce's Funeral Home
- Central Bank of the Midwest
- Brandon Otto Auctioneering Service



SCHEDULE - FRIDAY, JUNE 14

5:00 PM Petting Zoo Opens

5:00 PM to 10 PM CARNIVAL OPENING

RIDES & GAMES brought to you by

Toby's Carnival

\$10.00 Arm bands good all day

Beer Garden Operated by Saints Pub & Patio

For the latest information on Frontier Days, please visit www.frontier-days.com



SCHEDULE - FRIDAY, JUNE 14

5:00 PM CRAFT & FOOD BOOTHS OPEN

5:30 PM BABY CONTEST REGISTRATION

Age groups: 0-6 Months, 7-12 Months,
13-18 Months & 19-24 Months

6:00 PM BABY CONTEST JUDGING

Grassy area by Library

6:00 PM BEER GARDEN OPENS

Beer and Mixed drinks available

MUST BE 21 TO CONSUME ALCOHOL

7:00 PM ICE CREAM SOCIAL

Grassy area by Library

7:00 PM COPS AND BOBBERS

8:00 PM Music by _____ - (Main Stage)

10:00 PM Music by Vixen (Main Stage)

We always accept volunteers and donations for our events throughout the year. Contact any board member.

Saturday Schedule on reverse side!



***** **NO ANIMALS or BICYCLES ALLOWED IN THE EVENT AREA!!** *****

Copy of Saint's Insurance Needed

Client#: 136

TOBYSCAR

ACORD™

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

4/10/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

| | | | | | |
|--|--|---|--|----------------|--|
| PRODUCER Haas & Wilkerson Insurance 4300 Shawnee Mission Parkway Fairway, KS 66205 913 432-4400 | | CONTACT NAME: PHONE (A/C, No, Ext): 913 432-4400 E-MAIL: ADDRESS: | | FAX (A/C, No): | |
| | | INSURER(S) AFFORDING COVERAGE | | NAIC # | |
| | | INSURER A : ACE American Insurance Company (CHUBB) | | 22667 | |
| INSURED Toby's Carnival Inc.; TC Management LLC 424 E. Santa Fe Marceline, MO 64658 | | INSURER B : | | | |
| | | INSURER C : | | | |
| | | INSURER D : | | | |
| | | INSURER E : | | | |
| | | INSURER F : | | | |

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | TYPE OF INSURANCE | ADDL SUBR INSR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS |
|----------|---|--|---------------|-------------------------|-------------------------|---|
| A | GENERAL LIABILITY | | G18202013 | 04/10/2019 | 04/10/2020 | EACH OCCURRENCE |
| | <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY | | | | | \$1,000,000 |
| | <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR | | | | | DAMAGE TO RENTED PREMISES (Ea occurrence) |
| | | | | | | \$300,000 |
| | | | | | | MED EXP (Any one person) |
| | | | | | | \$EXCLUDED |
| | | | | | | PERSONAL & ADV INJURY |
| | | | | | | \$1,000,000 |
| | | | | | | GENERAL AGGREGATE |
| | | | | | | \$2,000,000 |
| | GEN'L AGGREGATE LIMIT APPLIES PER: | | | | | PRODUCTS - COMPIOP AGG |
| | <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC | | | | | \$2,000,000 |
| | | | | | | \$ |
| | AUTOMOBILE LIABILITY | | | | | COMBINED SINGLE LIMIT (Ea accident) |
| | <input type="checkbox"/> ANY AUTO | | | | | \$ |
| | <input type="checkbox"/> ALL OWNED AUTOS | <input type="checkbox"/> SCHEDULED AUTOS | | | | BODILY INJURY (Per person) |
| | <input type="checkbox"/> HIRED AUTOS | <input type="checkbox"/> NON-OWNED AUTOS | | | | \$ |
| | | | | | | BODILY INJURY (Per accident) |
| | | | | | | \$ |
| | | | | | | PROPERTY DAMAGE (Per accident) |
| | | | | | | \$ |
| | UMBRELLA LIAB | | | | | EACH OCCURRENCE |
| | <input type="checkbox"/> EXCESS LIAB | <input type="checkbox"/> OCCUR | | | | \$ |
| | | <input type="checkbox"/> CLAIMS-MADE | | | | AGGREGATE |
| | | | | | | \$ |
| | DED | RETENTION S | | | | \$ |
| | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY | | | | | WC STATUTORY LIMITS |
| | ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) | Y/N | | | | OTH-ER |
| | If yes, describe under DESCRIPTION OF OPERATIONS below | | | | | E.L. EACH ACCIDENT |
| | | | | | | \$ |
| | | | | | | E.L. DISEASE - EA EMPLOYEE |
| | | | | | | \$ |
| | | | | | | E.L. DISEASE - POLICY LIMIT |
| | | | | | | \$ |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Additional Insured: Edgerton Frontier Days Association but only with regards to the operations of the Named Insured.

CERTIFICATE HOLDER

CANCELLATION

Edgerton Frontier Days
 Association
 PO Box 222
 Edgerton, KS 66021

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

[Signature]

© 1988-2010 ACORD CORPORATION. All rights reserved.

Copy of Saints Insurance



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
10/23/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION is WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

| PRODUCER CA#0H64724 IMA, Inc. (NE Kansas Division) 51 Corporate Woods 9393 W. 110th Street, Suite 600 Overland Park, KS 66210 | 1-913-982-3650 | CONTACT NAME: PHONE (A/C No. Ext): 913-982-3650 FAX (A/C No.): 913-982-3495 E-MAIL: ADDRESS: | | | | | | | | | | | | | | |
|---|---|--|-------------------------------|--------|---------------------------------------|-------|---------------------------------|-------|---------------------------|-------|------------|--|------------|--|------------|--|
| INSURED Riley Drive, Inc. 8801 Renner Blvd. Suite 403 Lenexa, KS 66219 | <table border="1"> <thead> <tr> <th>INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> </thead> <tbody> <tr> <td>INSURER A: NORTH AMER CAPACITY INS CO</td> <td>25038</td> </tr> <tr> <td>INSURER B: GENERAL CAS CO OF WI</td> <td>24414</td> </tr> <tr> <td>INSURER C: HOUSTON CAS CO</td> <td>42374</td> </tr> <tr> <td>INSURER D:</td> <td></td> </tr> <tr> <td>INSURER E:</td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> </tr> </tbody> </table> | | INSURER(S) AFFORDING COVERAGE | NAIC # | INSURER A: NORTH AMER CAPACITY INS CO | 25038 | INSURER B: GENERAL CAS CO OF WI | 24414 | INSURER C: HOUSTON CAS CO | 42374 | INSURER D: | | INSURER E: | | INSURER F: | |
| INSURER(S) AFFORDING COVERAGE | NAIC # | | | | | | | | | | | | | | | |
| INSURER A: NORTH AMER CAPACITY INS CO | 25038 | | | | | | | | | | | | | | | |
| INSURER B: GENERAL CAS CO OF WI | 24414 | | | | | | | | | | | | | | | |
| INSURER C: HOUSTON CAS CO | 42374 | | | | | | | | | | | | | | | |
| INSURER D: | | | | | | | | | | | | | | | | |
| INSURER E: | | | | | | | | | | | | | | | | |
| INSURER F: | | | | | | | | | | | | | | | | |

COVERAGES

CERTIFICATE NUMBER: 54426318

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | TYPE OF INSURANCE | ADDL SUBR INSD WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS |
|----------|---|-------------------------------------|----------------|-------------------------|-------------------------|--|
| A | <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER: | | 88-G0003214-00 | 10/20/18 | 10/20/19 | EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$ |
| B | AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY | | CBA1352998 | 10/20/18 | 10/20/19 | COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$ |
| C | <input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$ | | H18XC50936-00 | 10/20/18 | 10/20/19 | EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 \$ |
| | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in HI) If yes, describe under DESCRIPTION OF OPERATIONS below | Y/N <input type="checkbox"/> N/A | | | | PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$ |
| A | Liquor Liability | | 88-G0003214-00 | 10/20/18 | 10/20/19 | Aggregate 2,000,000 |
| A | Liquor Liability | | 88-G0003214-00 | 10/20/18 | 10/20/19 | Each Occurrence 1,000,000 |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER

CANCELLATION

| | |
|--|---|
| City of Edgerton, Kansas Frontier Days Association Attn: Glyn Powers 404 E. Nelson Edgerton, KS 66021 USA | SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE |
|--|---|

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Notifying Local Businesses

City staff will notify local businesses who may be affected by street closures, the alternate truck route, and no parking zones 2 weeks prior to event dates. This includes all downtown businesses and the quarry.

EVENT SITE

DESIGNATED PARKING AREAS

No Parking Zones are marked in red.

Event Site is marked in green. This also indicates road closings.

P1 Edgerton City Lake: 36400 E. Nelson

P2 Edgerton Elementary School: 400 W. Nelson

P3 Martin Creek Park: 20200 Sunflower Rd.

There will be no transportation from parking sites to the event site.

- **Tuesday 6/12/18 (9am)**
 - Street closures on 4th Street, from Nelson to McCarty St. are in affect at 9am on Tuesday 6/12/18 to allow for carnival set up.
- **Friday 6/15/18 (9am)**
 - All other street closures are in affect at 9am on Friday 6/15/18.
 - No Parking Zones are in affect at 9am on Friday 6/15/18.
- **Sunday 6/17/18 (Noon)**
 - All Street closures and No Parking Zones will no longer be in affect at Noon on Sunday 6/17/18.

Alternate Truck Route

See Map attached.

Alternate Truck Route Message Boards

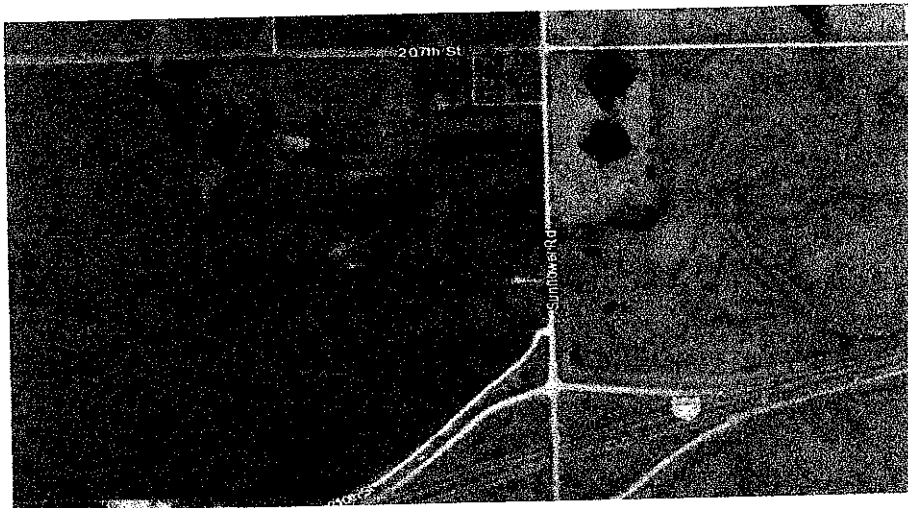
Set up Date: Tuesday 6/12/18 by 9am

Removal Date: Sunday 6/17 anytime (or a later date, whichever is cheaper)

of message boards: 3

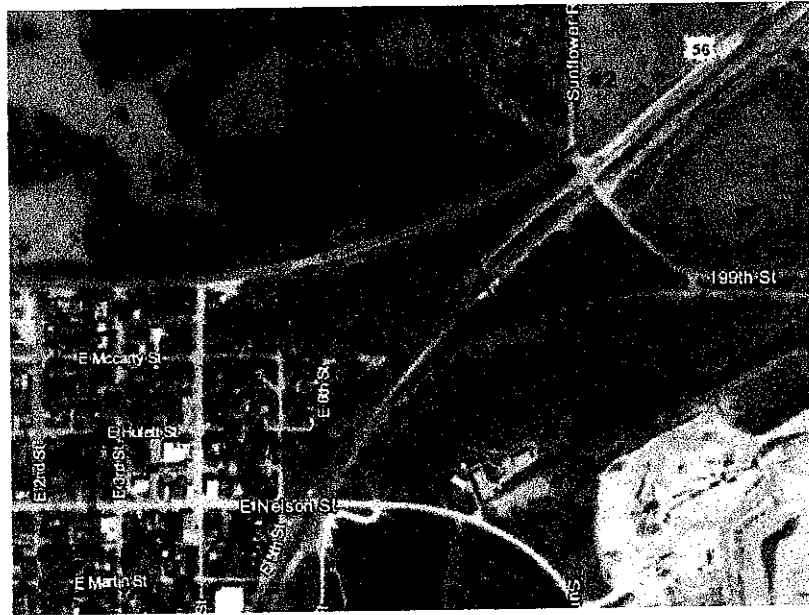
1. Sunflower Rd. Northbound

- a. Address: Near 207th St. and Sunflower Road, Edgerton, KS, 66021
- b. Location details: Northbound traffic needs enough time to read all text.
- c. Text: EVENT IN DOWNTOWN. ALT TRUCK ROUTE. USE 207TH TO CO-OP RD.



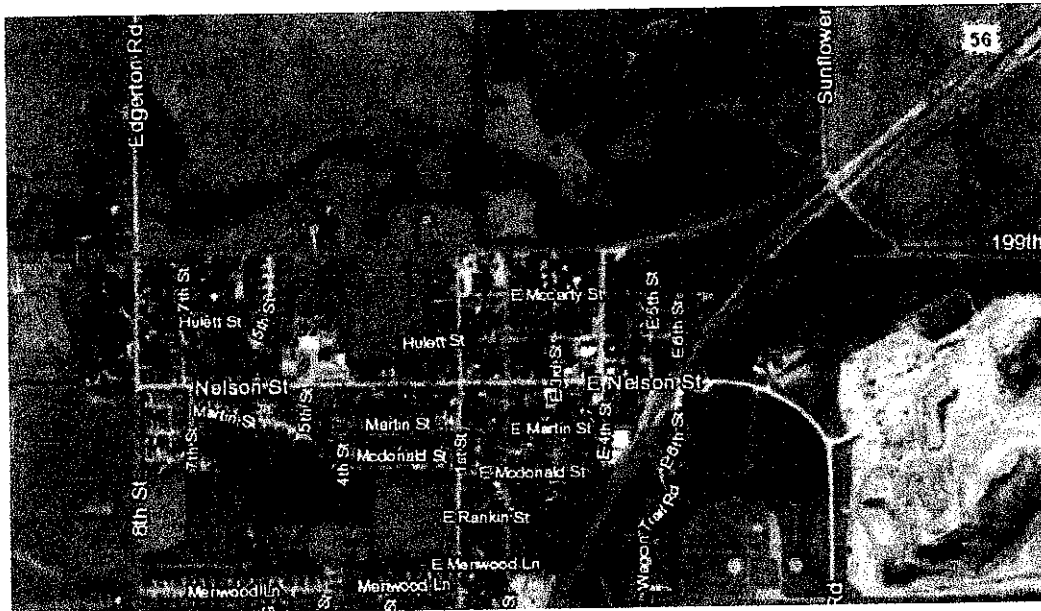
2. 56 HWY Westbound

- a. Address: Near Sunflower Rd. and 56 HWY, Edgerton, KS 66021
- b. Location details: Along 56 HWY for Westbound traffic
- c. Text: EVENT IN DOWNTOWN. ALT TRUCK ROUTE. USE 2ND ST TO 207TH ST.



3. 56 HWY Eastbound

- a. Address: Near 8th St. and 56 HWY, Edgerton, KS 66021
- b. Location: Along 56 HWY for Eastbound Traffic
- c. Text: EVENT IN DOWNTOWN. ALT TRUCK ROUTE. USE 2ND ST TO 207TH ST.



RETAILERS' SALES TAX REGISTRATION EVENT CERTIFICATE

NOT VALID FOR TAX  **EXEMPT PURCHASE**

Edgerton Frontier Days 2019

Event Certificate

State of Kansas

Registration Certificate valid for events only
Tax Account Number: See Events Sales Tax Return
File return within 30 days of event

ST-51 (Rev. 6-13)

REMOVE AND DISPLAY CERTIFICATE ABOVE

INSTRUCTIONS

This packet is intended for vendors who sell four or fewer times in Kansas each year. Most vendors selling in Kansas are required to collect and remit sales tax, including not for profit groups.

If you have received this packet and **have** a Kansas sales tax number, please follow the instructions below:

- Write your Kansas sales tax number on the return and return it in the envelope provided.
- Do not include sales figures or payment. These sales must be included on your regularly filed online sales tax return at www.webtax.org.

If you **do not** have a Kansas sales tax number, please follow the instructions below.

- This return and tax account number are specific to the event that appears in the Event Name box.
- You must remit your sales tax within 30 days following the event.
- You must file a return even if there were no taxable sales.
- The name and location of the event appears in the Event Name box.
- Complete the Vendor Name box.

- Write the Tax Account Number on your check or money order.
- Make a copy of the return for your records.
- Visit our website at www.ksrevenue.org for more information about special events, tax bracket cards and forms.

COMPLETING THE KANSAS SALES TAX
SPECIAL EVENT RETURN

- Line 1** - Enter the total gross receipts or sales for the event. Do not include the sales tax in this figure.
- Line 2** - Enter the cost of tangible personal property consumed or used by you that was purchased without tax. For example, items removed from inventory and used by you.
- Line 3** - Enter the total allowable deductions (if any). Find allowable deductions at <http://www.ksrevenue.org/pdf/st16>.
- Line 4** - Add lines 1 and 2, and subtract Line 3. Enter the result on Line 4.
- Line 5** - Multiply Line 4 by the appropriate tax rate percentage shown and enter the result on Line 5.
- Line 6** - Enter the total due in sales tax and remit immediately after the event.

Detach and send with payment

ST-16SE
(Rev. 5-17)

**Kansas
Sales Tax Special
Events Return**

FOR OFFICE USE ONLY

| | | | | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|

| | | | |
|---|---------------------------------|---|-----------------------------------|
| Event Tax Account Number SENK08754141F01 | | Enter your Kansas Sales Tax Number* if not using the event number | |
| Beginning Date 6/14/2019 | Ending Date 6/15/2019 | Due Date 7/15/2019 | Jurisdiction Code EDGJO |
| Event Name, Street Address and City Edgerton Frontier Days 2019 City of Edgerton Edgerton | | Vendor Name, Business Name, Address and Contact Phone Number | |
| I certify this return is correct. Vendor Sign here _____ Daytime Phone Number _____ | | | |

1. Gross Sales/ Receipts
2. Tangible Personal Property Consumed
3. Deductions
4. Add lines 1 & 2 minus Line 3
5. Multiple Line 4 by tax rate shown
6. Total Due

| | |
|--|---|
| | . |
| | . |
| | . |
| | . |
| | . |
| | . |

Tax Rate
8.975 %

Payment Amount

\$

| | | | | | | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|

Contact us at 913-942-3063 or email KDOR_special.events@ks.gov for assistance.

Make your check or money order payable to Retailers' Sales Tax and remit in the envelope provided or send to KDOR, Attn: Special Events, 7600 W 119th St Ste A Overland Park, KS 66213.

[Summary Published in *The Gardner News* on May 15, 2019]

ORDINANCE NO. 2010

AN ORDINANCE AUTHORIZING THE CITY OF EDGERTON, KANSAS, TO ENTER INTO AN ECONOMIC DEVELOPMENT GRANT AGREEMENT WITH HOSTESS BRANDS, LLC

WHEREAS, the City of Edgerton, Kansas (the “City”), desires to promote, stimulate and develop the general welfare and economic prosperity of the City and its inhabitants and thereby to further promote, stimulate and develop the general welfare and economic prosperity of the State of Kansas; and

WHEREAS, ELHC LI, LLC, a Kansas limited liability company, is constructing an approximately 765,000 sq. ft. warehouse and distribution facility located at the northeast corner of Waverly Road and 207th Street in Edgerton, Kansas (the “Facility”), the costs of which will be paid for or reimbursed with the proceeds of not to exceed \$60,000,000 of the City’s Industrial Revenue Bonds (ELHC LI, LLC Project) Series 2019; and

WHEREAS, Hostess Brands, LLC, a Delaware limited liability company (the “Company”), desires to lease the Facility from ELHC on the condition that it receive a \$596,700 economic development grant (the “Grant”) from the City; and

WHEREAS, Article 12, Section 5 of the Kansas Constitution gives the City home rule authority and, pursuant to such authority, the City is authorized to make economic development grants to facilitate economic development;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS, AS FOLLOWS:

Section 1. Findings of Fact. The City finds and determines that the Grant is necessary to induce the Company to sign a lease and occupy the Facility. The City further finds and determines that the Company’s use of the Facility will create a substantial number of jobs and other benefits for the community and will promote the public interest and public welfare of the community.

Section 2. Approval of Grant. The City hereby approves the Grant being made to the Company in an amount of \$596,700. The Grant shall be paid over a 6.5-year term solely from funds on deposit in the public infrastructure fund for Phase 2 of the Logistics Park. The Grant shall not be a general obligation of the City, and shall be subject to the provisions of the Kansas cash basis law, the Kansas budget law, and other laws of the State of Kansas.

Section 3. Authorization of Grant Agreement. The City is hereby authorized to enter into the Economic Development Grant Agreement (ELHC LI, LLC Project – Hostess Brands, LLC Grant) with the Company in substantially the form of **Exhibit A** (the “Grant Agreement”), with such changes therein as shall be approved by the officers of the City executing such documents, such officers’ signatures thereon being conclusive evidence of their approval thereof.

Section 4. Execution of Documents. The Mayor of the City is hereby authorized and directed to execute the Grant Agreement and such other documents, certificates and instruments as may be necessary

or desirable to carry out and comply with the intent of this Ordinance, for and on behalf of and as the act and deed of the City. The City Clerk of the City is hereby authorized and directed to attest to and affix the seal of the City to the Grant Agreement and such other documents, certificates and instruments as may be necessary.

Section 5. Further Authority. The City shall, and the officers, employees and agents of the City are hereby authorized and directed to, take such action, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance and to carry out, comply with and perform the duties of the City with respect to the Grant Agreement.

Section 6. Effective Date. This Ordinance shall take effect and be in force from and after its passage, approval and publication in summary form in the official City newspaper.

PASSED by the Council of the City of Edgerton, Kansas, this 9th day of May, 2019.

Donald Roberts, Mayor

[SEAL]

ATTEST:

Rachel A. James, City Clerk

APPROVED AS TO FORM:

Scott W. Anderson, City Economic Development Counsel

EXHIBIT A
FORM OF GRANT AGREEMENT

**ECONOMIC DEVELOPMENT GRANT AGREEMENT
(ELHC LI, LLC PROJECT – HOSTESS BRANDS, LLC GRANT)**

THIS ECONOMIC DEVELOPMENT GRANT AGREEMENT (the “Agreement”) is made this _____ day of May, 2019, between the **CITY OF EDGERTON, KANSAS**, a municipal corporation (the “City”), and **HOSTESS BRANDS, LLC**, a Delaware limited liability company (“Recipient”).

RECITALS:

A. ELHC LI, LLC, a Kansas limited liability company (“ELHC”), is constructing an approximately 765,000 sq. ft. warehouse and distribution facility located at the northeast corner of Waverly Road and 207th Street in Edgerton, Kansas (the “Facility”), the costs of which will be paid for or reimbursed with the proceeds of not to exceed \$60,000,000 of the City’s Industrial Revenue Bonds (ELHC LI, LLC Project) Series 2019 (the “Bonds”).

B. In connection with the issuance of the Bonds, ELHC will lease the Facility to the City pursuant to a Base Lease Agreement, and the City will sublease the Facility to ELHC pursuant to a Lease Agreement.

C. Recipient is leasing the entire Facility from ELHC for the purpose of operating a distribution center on the condition that the City agree to provide an economic development grant to Recipient.

D. The City desires Recipient’s presence at the Facility for furthering the public purposes for which the Bonds will be issued and for the potential for economic benefits which could result from Recipient’s presence, including but not limited to the possibility for creation of jobs and for investment of private capital in the local economy.

E. In recognition of such benefits and as set forth in Ordinance No. ____ approved by the City on May 9, 2019, the City is willing to make an economic development grant to Recipient on the terms and conditions set forth in this Agreement.

AGREEMENTS:

NOW, THEREFORE, in consideration of the mutual terms, covenants and conditions contained herein, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

Section 1. Economic Development Grant. Subject to the conditions precedent in **Section 2** and the availability of funds as described in **Section 3**, and compliance by Recipient with the other terms and provisions of this Agreement, the City agrees to make an economic development grant in the amount of \$596,700 (the “Grant”) to Recipient. The Grant shall be paid in thirteen equal installments of \$45,900 each, on April 1 and November 1 of each year, commencing April 1, 2021 and ending April 1, 2027 (or, if such date is not a business day, the next succeeding business day) (each such payment, a “Grant Payment”). Notwithstanding the foregoing, no Grant Payment shall be paid until such time that the Facility has been completed and Recipient is engaged in one or more of the Permitted Uses (as defined in **Section 4**) at the Facility, at which time the Facility shall be deemed “Operational.” Any Grant Payment due prior to the Facility being deemed Operational shall be paid by the City within sixty days following the date the Facility becomes Operational.

Section 2. Condition Precedent to Grant. The obligation of the City to make the Grant is conditioned on the Recipient entering into a lease agreement with ELHC for the Facility for a term of at least 6.5 years (the “Recipient Lease”). Recipient represents that a true and correct copy of the Recipient Lease has been delivered to the City’s legal counsel. The City’s legal counsel has reviewed an executed copy of the Recipient Lease.

Section 3. Grant Paid Solely from Public Infrastructure Fund.

Recipient acknowledges that the City and Edgerton Land Holding Company, LLC, a Kansas limited liability company, have entered in to the Logistics Park Phase Two Development Agreement dated as of January 25, 2018 (the “Development Agreement”). Article 5 of the Development Agreement created a Phase Two Public Infrastructure Fund (the “Fund”), and the City agreed to deposit certain Sources of Funds (as defined in the Development Agreement) in the Fund to complete certain public infrastructure improvements. Pursuant to the terms of the Development Agreement, the City and Commerce Bank, as trustee (the “Trustee”) plan to enter in to a Master Trust Indenture (the “Master Indenture”) whereby the City will agree to deposit all Sources of Funds with the Trustee and the Trustee will agree to administer the Fund.

Pursuant to Section 5.8(f) of the Development Agreement, the Master Indenture will contain a Grant Distribution Account (the “Grant Account”). The parties agree that all Grant Payments will be paid solely from funds available in the Grant Account according to the priority of payment provisions waterfall provided for in Section 5.8 of the Development Agreement and as provided in the Master Indenture. The Recipient acknowledges that the obligation of the City to make each Grant Payment is not a general obligation of the City and does not constitute an indebtedness of the City within the meaning of any constitutional or statutory debt limitation or restriction, and each Grant Payment is not payable in any manner by taxation. Recipient acknowledges that it has reviewed Section 5.8 of the Development Agreement and acknowledges that the Grant will be paid in accordance with the waterfall provided for in such section. Recipient further acknowledges that the City may, from time to time, make additional grants that are to be paid from funds in the Grant Account on a parity with the Grant.

Section 4. Permitted Use of Facility. The Facility may be used by Recipient for the purpose of operating a warehouse and distribution center, and ancillary and related uses (the “Permitted Uses”).

Section 5. Agreement of Recipient to Maintain Active Operations. Recipient agrees to use the Facility for one or more of the Permitted Uses and agrees to employ more than a nominal number of employees at the Facility, unless the Facility is closed for remodeling or repairs for a period not to exceed one year.

Section 6. Voluntary Community Involvement. Upon terms and conditions to which the parties may later agree during the term of this Agreement, Recipient will use reasonable efforts to participate in community events. These efforts may, but need not, include giving locally of cash or product donation and employee volunteer time. Additionally, Recipient agrees to be a member of Elevate Edgerton during the entire term of this Agreement, with an investment of at least the “Grow” level.

Section 7. Termination of Agreement. This Agreement shall terminate upon the earlier of (a) the City’s election following its notice to Recipient of a breach by Recipient of its obligations under this Agreement and the expiration of a 45-day cure period, or (b) the date the final Grant Payment is made to Recipient. If this Agreement is terminated pursuant to clause (a) of the preceding sentence, the City shall have no obligation to make any Grant Payments which would become due after the expiration of Recipient’s opportunity to cure. Notwithstanding anything contrary herein, if any Grant Payment is not made within

ninety (90) days of the dates set forth in Section 1 of this Agreement, Recipient may elect, in its sole discretion, to terminate this Agreement.

Section 8. Binding Effect; Governing Law. This Agreement shall be binding on and inure to the benefit of the parties and their respective officers, directors, shareholders, agents, attorneys, employees, successors, successors in interest and assigns. This Agreement shall be governed by and construed according to the laws of the State of Kansas.

Section 9. Representations. Each party represents and warrants that it (a) has made due and diligent inquiry into the facts and matters which are the subject matter of this Agreement; (b) fully understands the legal effect of this Agreement; and (c) is duly authorized and empowered to execute, deliver and perform this Agreement according to its terms and conditions.

Section 10. No Waiver of Breach. No waiver of any condition or covenant contained in this Agreement or any breach thereof shall be taken to constitute a waiver of any subsequent condition, covenant or breach.

Section 11. Assignment. Subject to Recipient's rights of assignment or delegation provided herein, this Agreement may not be assigned or transferred by either party, in whole or part, to any other person, firm, corporation, or entity without the prior, express, written consent of the other party. Notwithstanding anything to the contrary herein, Recipient may assign this Agreement and its rights under it or delegate its obligations under this Agreement to (i) any entity controlling, controlled by or under common control with Recipient, (ii) any entity resulting from the merger or consolidation of or with Recipient, or any entity controlling, controlled by or under common control with Recipient, (iii) any person or entity that acquires all (or substantially all) of the assets of Recipient, or any entity controlling, controlled by or under common control with Recipient, or (iv) any successor of Recipient, or any entity controlling, controlled by or under common control with Recipient, by reason of public offering, reorganization, dissolution, or sale of stock, membership or partnership interests or assets. Recipient may exercise such rights of assignment or delegation in the preceding sentence following at least seven (7) days' prior written notice to the City.

Section 12. Entire Agreement; Amendments in Writing. This Agreement and the acts provided for herein is the entire agreement between the parties with respect to the subject matter hereof, the terms and provisions of this Agreement are contractual and not mere recitals and no alterations, amendment, modification, or interpretation hereof shall be binding unless in writing and signed by all parties.

Section 13. Notice Addresses. Any notice provided under this Agreement shall be sent by both email and first-class mail to the following email addresses and addresses:

If to the City: Edgerton City Hall
Attention: City Administrator
404 E. Nelson Street
Edgerton, Kansas 66021
Email: blinn@edgertonks.org

With a copy to: SA Legal Advisors LC
Attention: Scott W. Anderson
8801 Renner Blvd., Suite 403
Lenexa, Kansas 66219
Email: sanderson@SALegalAdvisors.com

If to Recipient: Hostess Brands, LLC
1 East Armour Boulevard
Kansas City, Missouri 64111
Email: jkalal@hostessbrands.com

With a copy to: Hostess Brands, LLC
1 East Armour Boulevard
Kansas City, Missouri 64111
Email: jsebree@hostessbrands.com

Section 14. Payment Instructions. Each Grant Payment shall be delivered via U. S. Mail, or a nationally-recognized overnight courier service such as UPS or FedEx and sent to the notice address specified above.

Section 15. Counterparts. This Agreement may be executed in two or more counterparts, each of which shall be deemed to be an original but all of which together shall be deemed to be one and the same instrument.

Section 16. Effective Date. This Agreement is effective hereto on the date first above written ("Effective Date"), and the term of this Agreement is the duration between the Effective Date and the date it terminates.

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto on the date first above written.

CITY:

CITY OF EDGERTON, KANSAS

By: _____
Donald Roberts
Mayor

Attest:

Rachel James
City Clerk

Approved as to form:

Scott W. Anderson
City Economic Development Counsel

HOSTESS BRANDS, LLC,
a Delaware limited liability company

By: _____

Printed Name: _____

Date: _____

City Council Action Item

Council Meeting Date: May 9, 2019

Department: Parks and Recreation

Agenda Item: Consider Resolution No. 05-09-19E Temporarily Waiving City Prohibition As To The Sale And Consumption Of Alcoholic Liquor On Certain Public Property, And Recognizing Frontier Days As A "Public Festival" For Purposes Of The City's Noise Restrictions

Background/Description of Item:

Edgerton Frontier Days will be held June 14-15, 2019. The Edgerton Frontier Days Committee has requested permission to sell and serve alcoholic liquor (i.e. alcoholic beverages other than 3.2% beer [a/k/a cereal malt beverage]) at the Festival.

Chapter III, Article I, Sections 3-108 and Section 3-202 of the Code of the City of Edgerton prohibits serving cereal malt beverages or alcoholic liquor within 200 feet of a church, school or library. This prohibition shall not apply to a special event permit holder if the applicant petitions the Governing Body for a waiver of the distance limitation. The Governing Body shall grant such waiver only following public notice and holding a hearing that finds the proximity of the establishment is not adverse to the public welfare or safety.

City Council will hold a Public Hearing on May 9, 2019 prior to considering this resolution.

If approved, Resolution No. 05-10-18E would grant the waiver requested by the Frontier Days Association, with the following stipulations:

- The sale and consumption of alcoholic liquor shall be allowed in an area on Nelson Street between East Third Street and East Fourth Street (specifically designated and approved by the City Administrator)
- Between the hours of 6:00 pm and 11:59 pm on June 14, 2019.
- Between the hours of 2:00 pm and 11:59 pm on June 15, 2019.
- Point of sale for alcoholic liquor shall be 307 E. Nelson Street by properly licensed individuals or groups only
- No alcoholic liquor may be sold or dispensed in glass bottles or containers, only plastic, paper cups or cans may be used.

Also within this same resolution is permission to waive the City's noise restrictions in order for all to enjoy music as part of the festival on Friday June 14 and Saturday June 15. It is anticipated that both concerts will be completed by 11:59 p.m. each evening.

City staff will inform the Johnson County Sheriff's Office of the proposed request to serve alcoholic liquor on the above dates and hours as well as the request to waive the City's noise restrictions.

City Attorney has not yet reviewed the resolution and will provide any changes at City Council meeting.

Related Ordinance(s) or Statue(s): Chapter III, Article I, Sections 3-108 and 3-202

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

Recommendation: Approve Resolution No. 05-9-19E Temporarily Waiving City Prohibition As To The Sale And Consumption Of Alcoholic Liquor On Certain Public Property, And Recognizing Frontier Days As A "Public Festival" For Purposes Of The City's Noise Restrictions

Enclosed: Draft Resolution No. 05-9-19E

Prepared by: Scott Peterson, Assistant City Administrator
Maddie Becker, Parks and Recreation Coordinator

RESOLUTION NO. 05-09-19E

A RESOLUTION TEMPORARILY WAIVING CITY PROHIBITION AS TO THE SALE AND CONSUMPTION OF ALCOHOLIC LIQUOR ON CERTAIN PUBLIC PROPERTY, AND RECOGNIZING FRONTIER DAYS AS A "PUBLIC FESTIVAL" FOR PURPOSES OF THE CITY'S NOISE RESTRICTIONS

WHEREAS, the 2019 annual celebration known as Frontier Days will be held June 14 through June 15 in the City of Edgerton, Kansas; and

WHEREAS, a request has been received by the City of Edgerton from the Edgerton Frontier Days Association for permission to sell and serve alcoholic liquor (i.e. alcoholic beverages other than 3.2% beer [a/k/a cereal malt beverage]) at its annual festival; and

WHEREAS, Chapter III, Article 1, Section 3-202 of the Code of the City of Edgerton prohibits the serving alcoholic liquor within 200 feet of a church, school, nursing home, library or hospital, but said prohibition may be waived by the governing body after public notice, followed by a hearing and finding by the governing body that the proximity of the location, where the cereal malt beverage or alcoholic liquor will be served, is not adverse to the public welfare or safety; and

WHEREAS, Article 6 of Chapter XI of the Code of the City of Edgerton regulates the levels of noise and sound within the City but said regulations do not apply when the governing body recognizes the event where the noise and sound is to occur as a "public festival"; and

WHEREAS, the City wishes to recognize this event as a "public festival" and to be exempt from any noise or sound restrictions during the pendency of the event.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS, THAT:

SECTION ONE: Finding: That the Governing Body, after receiving a request from the Frontier Days Association, does hereby find and conclude that the proximity of the requested location for the sale and consumption of alcoholic liquor is not adverse to the public welfare or safety and the Governing Body's conclusion in this regard is supported by the fact that the Frontier Days Association has served cereal malt and alcoholic liquor beverages in this location for several years without any adversity to the public welfare or safety.

SECTION TWO: Waiver Granted: That the Governing Body, pursuant to Chapter III, Article I, Section 3-202 of the Edgerton City Code, hereby grants the waiver requested by the Frontier Days Association, with the following stipulations:

- a) The sale and consumption of alcoholic liquor shall be allowed in an area on Nelson Street between East Third Street and East Fourth Street (specifically designated and approved by the City Administrator) between the hours of 6:00 pm and 11:59 pm on June 14, 2019 and between the hours of 2:00 pm and 11:59 pm on June 15, 2019.

- b) The location of the point of sale for alcoholic liquor shall be 307 E. Nelson Street by properly licensed individuals or groups only.
- c) No alcoholic liquor may be sold or dispensed in glass bottles or containers, only plastic, paper cups or cans may be used.

SECTION THREE: Frontier Days a "Public Festival": Edgerton Frontier Days is recognized as a public festival and, therefore, the noise restrictions contained within Article 6 of Chapter XI of the Code of the City of Edgerton shall not apply to noise and sounds made or generated by the 2019 public festival on June 14 and 15.

SECTION FOUR - Effective Date: This Resolution shall take effect and be in full force immediately after its adoption by the Governing Body.

ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF EDGERTON, KANSAS ON THE 9TH DAY OF MAY 2019.

ATTEST:

CITY OF EDGERTON, KANSAS

Rachel A. James, City Clerk

By: _____
Donald Roberts, Mayor

APPROVED AS TO FORM:

Lee W. Hendricks, City Attorney

City Council Action Item

Council Meeting Date: May 9, 2019

Department: Parks and Recreation

Agenda Item: Consider Resolution No. 05-9-19F Authorizing Special Event Permit For Sale And Consumption Of Alcoholic Liquor On Certain Public Property Within The City Of Edgerton, Kansas

Background/Description of Item:

Edgerton Frontier Days will be held June 14-15, 2019. The Edgerton Frontier Days Committee has requested permission to sell and serve alcoholic liquor (i.e. alcoholic beverages other than 3.2% beer [a/k/a cereal malt beverage]) at the Festival.

Article 5 of the Edgerton Municipal Code states that it is unlawful for any person granted a Special Event Permit by the State of Kansas to sell or serve any alcoholic liquor within the City without first obtaining a local special event permit. Section 3-503 requires an application for special event permit be submitted at least 14 days before the event to the City Clerk. Frontier Days Association has submitted that application with the details noted in the Code.

Please find enclosed draft Resolution No. 05-09-19F that would approve the local special event permit for Frontier Days with the following stipulations:

- The sale and consumption of alcoholic liquor shall be allowed in an area on Nelson Street between East Third Street and East Fourth Street (specifically designated and approved by the City Administrator)
- Between the hours of 6:00 pm and 11:59 pm on June 14, 2018.
- Between the hours of 2:00 pm and 11:59 pm on June 15, 2018.
- Point of sale for alcoholic liquor shall be 307 E. Nelson Street by properly licensed individuals or groups only
- No alcoholic liquor may be sold or dispensed in glass bottles or containers, only plastic, paper cups or cans may be used.

Note: the City Council will consider before this item the request for waiver for the prohibition of sale of alcohol with certain distance of church, library or school.

Frontier Days has also requested the City Council consider waiving any City application or permit fees in appreciation for the many benefits the community enjoys from the festival. The City special event permit fee is \$50. The enclosed draft resolution includes waiving this fee as has been custom in past years.

City Attorney has not yet reviewed the resolution and will provide any changes at City Council meeting.

Related Ordinance(s) or Statue(s): Article 5

Funding Source: N/A

Budget Allocated: N/A

Finance Director Approval: N/A

Recommendation: Approve Resolution No. 05-9-19F Authorizing Special Event Permit For Sale And Consumption Of Alcoholic Liquor On Certain Public Property Within The City Of Edgerton, Kansas

Enclosed: Draft Resolution No. 05-9-19F

Prepared by: Scott Peterson, Assistant City Administrator
Maddie Becker, Parks and Recreation Coordinator

RESOLUTION NO. 05-09-19F

A RESOLUTION AUTHORIZING A SPECIAL EVENT PERMIT FOR THE SALE AND CONSUMPTION OF ALCOHOLIC LIQUOR ON CERTAIN PUBLIC PROPERTY WITHIN THE CITY OF EDGERTON, KANSAS

WHEREAS, the 2019 annual celebration known as Frontier Days is scheduled for June 14 through June 15 in the City of Edgerton, Kansas; and

WHEREAS, Article 5 of Chapter III of the Code of the City of Edgerton requires that an entity desiring to sell and serve alcoholic liquor on public property at an event open to the public must, in addition to obtaining the required permit from the State of Kansas, also apply and obtain a Special Event Permit from the City; and

WHEREAS, a request has been received by the City of Edgerton from the Edgerton Frontier Days Association for a Special Event Permit to sell and serve alcoholic liquor (i.e. alcoholic beverages other than 3.2% beer [a/k/a cereal malt beverage]) at its annual festival on June 14 and 15, 2019.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF EDGERTON, KANSAS, THAT:

SECTION ONE: Special Event Permit Authorized: That the Governing Body does hereby authorize the City Clerk, in accordance with Article 5 of Chapter III of the Edgerton City Code, to issue the Frontier Days Association a Special Event Permit for sale and consumption of alcoholic liquor per the requirements contained within Article 5 and with the following additional stipulations:

- a) The Special Event Permit provided for herein is only valid if the required permit from the State of Kansas is obtained by the Frontier Days Association.
- b) The sale and consumption of alcoholic liquor shall be allowed in an area on Nelson Street between East Third Street and East Fourth Street (specifically designated and approved by the City Administrator) between the hours of 6:00 pm and 11:59 pm on June 14, 2019 and between the hours of 2:00 pm and 11:59 pm on June 15, 2019.
- c) The location of the point of sale for alcoholic liquor shall be 307 E. Nelson Street by properly licensed individuals or groups only.
- d) No alcoholic liquor may be sold or dispensed in glass bottles or containers, only plastic, paper cups or cans may be used.

SECTION TWO: Waiver of Application Fees: The City of Edgerton, in appreciation for the many benefits enjoyed by the community from the annual Frontier Days festival, waives any City application or permit fees for issuance of the Special Event Permit.

SECTION THREE - Effective Date: This Resolution shall take effect and be in full force immediately after its adoption by the Governing Body.

ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF
EDGERTON, KANSAS ON THE 9TH DAY OF MAY 2019.

ATTEST:

CITY OF EDGERTON, KANSAS

Rachel A. James, City Clerk

By: _____
Donald Roberts, Mayor

APPROVED AS TO FORM:

Lee W. Hendricks City Attorney